

TO: Members, State Board of Education

FROM: Dwight Pfennig
Acting Commissioner

SUBJECT: Proposed Amendments to N.J.A.C. 6A:8
Standards and Assessment

REASON

FOR ACTION: Requirements included in the 2002 reauthorization of the Elementary and Secondary Education Act require amendments to N.J.A.C. 6A:8, Standards and Assessment

SUNSET DATE: May 1, 2005

[Adoption level comment response form](#)

Summary

The Department of Education is proposing to amend N.J.A.C. 6A:8, Standards and Assessment, which implements the Core Curriculum Content Standards and the Statewide assessment system.

The proposed amendments will continue the process of bringing New Jersey's standards-based assessment and accountability systems into compliance with Federal requirements included in Title I of the Elementary and Secondary Education Act (ESEA, 20 U.S.C. §§ 6301 et seq.), as amended by the No Child Left Behind Act, signed by the President on January 8, 2002 (P.L. 107-110). To promote a Federal agenda, requirements were built into the Federal Title I regulations—this being the largest Federal education entitlement program, impacting every state and virtually every school district in the country. Title I funds are used to support supplemental educational services to boost student achievement. Title I law requires that each state establish rigorous content standards, develop aligned assessments, and build accountability systems around the state standards that include all students.

The proposed amendments will also continue the process of bringing New Jersey's assessment and accountability systems into compliance with Federal requirements included in the Individuals with Disabilities Education Act (IDEA 20 U.S.C. § 1412(a)(16)), which requires that each state establish goals for the performance of children with disabilities that are consistent with those established for all children. In addition, the IDEA requires that children with disabilities be included in Statewide assessment programs, with appropriate accommodations where necessary (20 U.S.C. § 1412(a)(17)). States must develop alternate assessments for those children who cannot participate in general state assessments.

Phase one of the amendment process, through rules adopted by the State Board of Education on October 2, 2002, began with amending the assessment schedule, including implementation of Statewide assessments in grades 3 through 8, and accountability, including all students as mandated by the No Child Left Behind Act and the IDEA.

Phase two of the amendment process now focuses on defining adequate yearly progress, including the progress of student socio-economic and ethnic subgroups.

In the future, phase three of the amendment process will focus on the high school graduation requirements.

Adequate Yearly Progress

The proposed amendments to N.J.A.C. 6A:8-4.4(a)1, 2, and 3 replace the current district and school target of 75 percent proficient for the ESPA and GEPA and 85 percent proficient for the HSPA with a percent proficient that will increase at three-year intervals. The starting point for assessments administered during the 2002-2003 academic year varies, depending on the assessment and the content area, and is based on 2001-2002 base-line performance of New Jersey students using a federally determined process according to 20 U.S.C. § 6311(b)(2) and 34 CFR § 200.16. The increases each year reflect a fixed percentage change, commonly referred to as the ***Compound Annual Growth Rate*** (CAGR), which is calculated with the following equation:

$$CAGR = \left(\left(1 + \left(\frac{End\ Value - Start\ Value}{Start\ Value} \right) \right)^{\frac{1}{\#Periods}} - 1 \right) \times 100$$

Here the start value is the base year rate, the end value is the 100 percent proficiency rate, and the # of periods is twelve intervals (base year plus twelve years to 2014). Utilization of a fixed percentage increase such as CAGR is consistent with the regulations in 34 CFR § 200.17.

Initially, the target percent proficient will be lower than the current 75 percent, but the new percent will apply not only to the entire school but also to all statistically viable subgroups, including economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency, as required by 20 U.S.C. § 6311(b)(2) and 34 CFR § 200.13(b)(7)(ii). For many districts, bringing all subgroups up to the specified percent proficient will undoubtedly be challenging.

Mobility

The intent of the ESEA No Child Left Behind inclusion requirement is to ensure that schools and districts are held accountable for students whom they have been educating for the current academic year (Sec. 1111(b)(3)(C)(xi)). The proposed amendments exclude from district accountability students who have enrolled in a district after July 1. The July 1 date replaces the original September 15 date to accommodate the calendars of those schools, particularly charter schools, starting classes before the beginning of September.

Revised Core Curriculum Content Standards

The revised Core Curriculum Content Standards in language arts literacy, mathematics, and science have been expanded to address the needs of students working at a much broader range of ability levels. The comprehensive nature of the new standards eliminates the need for a separate set of standards for students with severe disabilities; therefore, the Core Curriculum Content Standards for Students with Severe Disabilities will be eliminated. Curriculum frameworks will be developed to assist teachers in modifying standards-based instructional activities to meet the needs of students with a range of disabilities. Students with disabilities will be working to meet the standards at whatever level is appropriate with the supports and accommodations they need.

High School Graduation Requirements

The only proposed change in the graduation requirements subchapter proposes that the implementation of the world languages credit requirement in N.J.A.C. 6A:8-5.1(a)1i(7) be delayed one additional year.

As the department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5. A summary of the proposed amendments follows:

Major Elements of Proposed Amendments

A summary of the proposed amendments follows:

N.J.A.C. 6A:8-1 General Provisions

The proposed amendments to N.J.A.C. 6A:8-1.1(a)2 reflect that the cumulative progress indicators accompanying the standards are no longer consistently limited to grades 4, 8, and 11-12. Particularly for areas in which there are Statewide assessments, the revised standards include greater specificity and cumulative progress indicators at additional grade levels.

The proposed deletion of N.J.A.C. 6A:8-1.1(a)3 reflects the elimination of separate "Core Curriculum Content Standards for Students with Severe Disabilities," as described below.

Proposed amendments to N.J.A.C. 6A:8-1.3 clarify the following definitions:

"APA," meaning the Alternate Proficiency Assessment, is proposed to be amended to delete the mention of the Core Curriculum Content Standards for Students with Severe Disabilities. Within the definition, the reference to N.J.A.C. 6A:14-4.11(a)2 is proposed to be updated to N.J.A.C. 6A:14-4.11, reflecting anticipated changes in the special education rules.

The definition of "Core Curriculum Content Standards" is proposed to be amended to reflect that the cumulative progress indicators accompanying the standards are no longer consistently limited to grades 4, 8, and 11-12. Particularly for the areas in which there are Statewide assessments, the revised standards include greater specificity and cumulative progress indicators at additional benchmark grade levels.

"Core Curriculum Content Standards for Students with Severe Disabilities" is proposed to be deleted. The revised Core Curriculum Content Standards have been expanded to address the needs of students working at a much broader range of ability levels. The comprehensive nature of the new revised and expanded standards eliminates the need for a separate set of standards for students with severe disabilities. Students with disabilities will be working in the standards at whatever level is appropriate, with the supports and accommodations they need.

N.J.A.C. 6A:8-3 Implementation of the Core Curriculum Content Standards

The proposed combining of the content of N.J.A.C. 6A:8-3.1(a)4 and (a)5 into the new (a)4 clarifies that the instructional programs of all students are to be aligned with the Core Curriculum Content Standards and eliminates mention of separate Core Curriculum Content Standards for Students with Severe Disabilities. Subsequent paragraphs are proposed to be recodified accordingly.

N.J.A.C. 6A:8-4 Implementation of the Statewide Assessment System

The amendment to N.J.A.C. 6A:8-4.1(c)1ii is proposed for consistency with the evaluation and assessment implementation dates proposed in N.J.A.C. 6A:8-4.4(a)1i and (a)2i.

The proposed amendment to N.J.A.C. 6A:8-4.1(d)3ii eliminates mention of separate Core Curriculum Content Standards for Students with Severe Disabilities. The comprehensive nature of the new revised and expanded Core Curriculum Content Standards in language arts literacy, mathematics, and science eliminates the need for a separate set of standards for students with severe disabilities.

The proposed amendment to N.J.A.C. 6A:8-4.4(a) reflects the implementation of a single accountability system based on "adequate yearly progress" of schools and districts, as required by 20 U.S.C. § 6311(b)(2)(A) and 34 CFR § 200.12

N.J.A.C. 6A:8-4.4(a)1 and (a)2 are proposed to be deleted because as of July 1, 2003, they become obsolete. They are superseded by the new N.J.A.C. 6A:8-4.4(a)1 and (a)2. Subsequent paragraphs are proposed to be recodified accordingly.

For purposes of evaluating schools and districts, the following proposed amendments divide the Statewide assessment results into three grade-level bands—grades three, four, and five (in the new N.J.A.C. 6A:8-4.4(a)1); grades six, seven, and eight (in the new N.J.A.C. 6A:8-4.4(a)2); and grade eleven (in the new N.J.A.C. 6A:8-4.4(a)3).

It is proposed that N.J.A.C. 6A:8-4.4(a)3 and (a)4 be deleted and replaced by the new N.J.A.C. 6A:8-4.4(a)1, reflecting the implementation of Statewide assessments in grades three, four, and five, to comply with 20 U.S.C. § 1111(b)(3)(C)(vii). The proposed paragraph requires not only that a specified percent of students in a school or district score at the proficient level, or higher, on Statewide assessments, but that a specified percent of each statistically viable subgroup of students enrolled in a school or district score at the proficient level, or higher. The federal regulations in 34 CFR § 200.13 and 20 require states to hold schools accountable in cases where subgroups are of sufficient size to produce statistically valid and reliable information. Without accounting for measurement error in some way, the minimum size of statistically reliable subgroups would have been in excess of thirty students. This would have resulted in a sizeable number of schools not being held accountable for the performance of specific subgroups of students. By incorporating allowance for a 5% misclassification rate in N.J.A.C. 6A:8-4.4(a)1iii, New Jersey will be able to apply the criteria to subgroups of as few as 20 students, thereby increasing the accountability of schools and districts. The proposed paragraph excludes from school or district accountability any students enrolled after July 1 of the calendar year prior to the test administration.

The proposed new N.J.A.C. 6A:8-4.4(a)1i(1) through (6) specify, at three-year intervals, the precise percent of third-, fourth-, and fifth-grade students expected to score at the proficient level, or higher, in each of the content areas assessed.

The proposed new N.J.A.C. 6A:8-4.4(a)1ii specifies that statistically viable subgroups shall include those consisting of 20 or more economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency.

The proposed new N.J.A.C. 6A:8-4.4(a)1iii allows for misclassification of students by specifying that schools or districts reporting a percent proficient within five percentage points of the specified increasing percent, or higher, shall be considered as meeting the goal.

The proposed new N.J.A.C. 6A:8-4.4(a)1iv provides that for subgroups of third-, fourth-, and fifth-grade students, as an alternative to meeting the absolute criteria in N.J.A.C. 6A:8-4.4 (a)1i, adequate yearly progress may be demonstrated by meeting certain safe harbor criteria, including a decrease by at least 10 percent in the percentage of students scoring below the proficient level on the Statewide assessment.

It is proposed that N.J.A.C. 6A:8-4.4(a)5 and (a)6 be deleted and replaced by the new N.J.A.C. 6A:8-4.4(a)2, reflecting the implementation of Statewide assessments in grades six and seven, along with the existing GEPA, to further comply with 20 U.S.C. § 1111(b)(3)(C)(vii)). The proposed paragraph is similar to the new N.J.A.C. 6A:8-4.4(a)1, as described above, except for the grade levels.

The proposed new N.J.A.C. 6A:8-4.4(a)2i(1) through (5) specify, at three-year intervals, the precise percent of sixth-, seventh-, and eighth-grade students expected to score at the proficient level, or higher, in each of the content areas assessed.

The proposed new N.J.A.C. 6A:8-4.4(a)2ii, like the corresponding (a)1ii, defines statistically viable subgroups as consisting of 20 or more students.

The proposed new N.J.A.C. 6A:8-4.4(a)2iii allows for misclassification of students by specifying that schools or districts reporting a percent proficient within five percentage points of the specified increasing percent, or higher, shall be considered as meeting the goal.

The proposed new N.J.A.C. 6A:8-4.4(a)2iv provides that for subgroups of sixth-, seventh-, and eighth-grade students, as an alternative to meeting the absolute criteria in N.J.A.C. 6A:8-4.4 (a)1i, adequate yearly progress may be demonstrated by meeting certain safe harbor criteria, including a decrease by at least 10 percent in the percentage of students scoring below the proficient level on the Statewide assessment.

It is proposed that N.J.A.C. 6A:8-4.4(a)7 and 8 be deleted and replaced by the new N.J.A.C. 6A:8-4.4(a)3, which is similar to the new (a)1 and (a)2 described above, except that it applies to eleventh-grade student assessment results. The only SRAs administered in the junior year would be native language accommodations for students with limited English proficiency.

The new N.J.A.C. 6A:8-4.4(a)3i(1) through (4) specify, at three-year intervals, the precise percent of eleventh-grade students expected to score at the proficient level, or higher, in each of the content areas assessed.

The proposed new N.J.A.C. 6A:8-4.4(a)3ii, like the corresponding (a)1ii and (a)2ii, defines statistically viable subgroups as consisting of 20 or more students.

The proposed new N.J.A.C. 6A:8-4.4(a)3iii allows for misclassification of eleventh-grade students by specifying that schools or districts reporting a percent proficient within five percentage points of the specified increasing percent, or higher, shall be considered as meeting the goal.

The proposed new N.J.A.C. 6A:8-4.4(a)3iv provides that for subgroups of eleventh-grade students, as an alternative to meeting the absolute criteria in N.J.A.C. 6A:8-4.4 (a)1i, adequate yearly progress may be demonstrated by meeting certain safe harbor criteria, including a decrease by at least 10 percent in the percentage of students scoring below the proficient level on the Statewide assessment.

N.J.A.C. 6A:8-4.4(a)9 is proposed to be recodified as (a)4.

Technical amendments are proposed to N.J.A.C. 6A:8-4.4(b) and (c)1.

It is proposed that N.J.A.C. 6A:8-4.4(c)2, 2i, and 2ii be deleted, as amendments in N.J.A.C. 6A:8-4.4(a) et seq. establish new criteria for adequate yearly progress.

N.J.A.C. 6A:8-5 Implementation of Graduation Requirements

The proposed amendment to N.J.A.C. 6A:8-5.1(a)1i(7) postpones for one year the implementation of the 10-credit world languages graduation requirement.

Social Impact

The social impact of these proposed amendments on New Jersey's diverse student population is positive, because the amendments continue the process of expanding the formal Statewide assessment and accountability systems to include the performance of students with disabilities and students with limited English proficiency. Additionally, the proposed regulations hold districts and schools accountable, not only for the academic performance of the total student body, but also for the performance of economically disadvantaged students and students from major racial and ethnic groups. The proposed rules ensure the inclusion of all students in standards-based curricula, aligned with New Jersey's Core Curriculum Content Standards, and provide a thorough education. They ensure that no individual groups of students will be left behind.

Economic Impact

The proposed amendments are anticipated to have a substantive economic impact in that they reduce the risk of New Jersey losing Title I and IDEA funding as a result of non-compliance with Federal guidelines. The loss or reduction of Title I and IDEA funding would have the greatest impact on those districts with the greatest portion of disadvantaged students.

While the proposed amendments will undoubtedly have an impact on the content of instructional programs for some students, there is no reason to anticipate that such curricular modifications would involve increased expenditures for school districts.

Federal Standards Statement

The primary reason for these amendments is to ensure compliance with Federal requirements included in Title I of ESEA and in IDEA. As proposed, these amendments will not exceed the Federal requirements of the 2002 reauthorization of ESEA (P.L. 107-110) and IDEA (20 U.S.C. § 1412). There are no other Federal requirements that impact these proposed amendments.

Jobs Impact

It is not anticipated that jobs will be either created or lost as a result of the proposed amendments.

Agriculture Industry Impact

There is no anticipated impact on the agriculture industry as a result of the proposed amendments.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the proposed amendments do not impose recording, recordkeeping, or other compliance requirements on small businesses as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. These amendments impact solely on the public school districts in New Jersey.

Smart Growth Impact

The proposed amendments will have no impact on the achievement of smart growth and implementation of the State Development and Redevelopment Plan.

Full text of those sections of N.J.A.C. 6A:8 to be amended follows (with additions underlined thus and deletions indicated in brackets [thus]):

STANDARDS AND ASSESSMENT FOR STUDENT ACHIEVEMENT

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SUBCHAPTER 1. GENERAL PROVISIONS

6A:8-1.1 Purpose

- (a) The Core Curriculum Content Standards define what all students should know and be able to do by the end of their public school education.
 - 1. The Core Curriculum Content Standards specify expectations in seven academic content areas: the visual and performing arts, comprehensive health and physical education, language arts literacy, mathematics, science, social studies, and world languages. The Core Curriculum Content Standards also include the following five Cross-Content Workplace Readiness Standards: career planning; use of technology, information, and other tools; critical thinking, decision making, and problem solving; self-management; and application of safety principles. These workplace readiness standards reinforce the common threads among all content areas.
 - 2. The Core Curriculum Content Standards are further delineated by cumulative progress indicators at [the]benchmark grade[s] levels[of four, eight, and 11-12]. These cumulative progress indicators further clarify expectations for student achievement.
 - [3. The Core Curriculum Content Standards for Students with Severe Disabilities is an adaptation of the Core Curriculum Content Standards and shall delineate expectations for students with severe disabilities who meet criteria established by the Department of Education.]
- (b) The Core Curriculum Content Standards, including cumulative progress indicators, enable district boards of education to establish curriculum and instructional methodologies for the

purpose of providing students with the constitutionally mandated system of “thorough” public school instruction.

- (c) The Statewide assessment system is designed to measure student progress in the attainment of the Core Curriculum Content Standards.
- (d) The results of the Statewide assessments shall facilitate program evaluation based on student performance and shall enable district boards of education, the public, and government officials to evaluate the educational delivery systems of all public schools.

6A:8-1.2 Scope

- (a) The Core Curriculum Content Standards apply to all students enrolled in public elementary, secondary, and adult high school education programs within the State of New Jersey.
- (b) Throughout this chapter, unless otherwise noted, “district boards of education” shall be interpreted to include all providers of publicly funded elementary, secondary, and adult high school education programs, including county vocational schools, educational services commissions, jointure commissions, charter schools, regional day schools, adult high schools, county special services school districts, the Marie H. Katzenbach School for the Deaf, the Department of Human Services, the Department of Corrections, the Juvenile Justice Commission, State facilities, organizations, and approved private schools for the disabled.
- (c) District boards of education shall align their curriculum and instructional methodologies to assist all students in achieving the Core Curriculum Content Standards and to prepare all students for employment or postsecondary study upon their graduation.

- (d) Progress toward meeting the Core Curriculum Content Standards shall be measured by the Statewide assessment system at benchmark grade levels four, eight, and 11-12 and at any other grades deemed appropriate by the Commissioner.

6A:8-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

“Accommodations or modifications to the Statewide assessment system” means changes in testing procedures or formats that provide students with disabilities and students with limited English proficiency an equitable opportunity to participate in assessment and demonstrate their knowledge and skills in the areas assessed.

“Advanced Placement courses” means those courses aligned with the course descriptions provided by the College Board and intended to provide students with the opportunity to complete college-level studies during secondary school.

"Advanced proficient" means a score achieved by a student at or above the cut score which demarks a comprehensive and in-depth understanding of the knowledge and skills measured by a content-area component of any State assessment.

"All students" means every student enrolled in public elementary, secondary, and adult high school education programs within the State of New Jersey, including general education students, students with disabilities, and students with limited English proficiency.

“APA” means the Alternate Proficiency Assessment, to be used to determine cumulative student achievement of the knowledge and skills specified by the [Core Curriculum Content

Standards for Students with Severe Disabilities and/or the]Core Curriculum Content Standards, for students with disabilities who are unable to participate in the elementary component of the Statewide assessment for grades three through seven, the GEPA, or the HSPA in accordance with N.J.A.C. 6A:14-4.11[(a)2].

“Apprentice” means an employee of legal working age who meets the qualifications established by the apprentice sponsor and who is employed under a written agreement which provides that related training and on-the-job experience received are in accordance with approved standards of apprenticeship established by the U.S. Department of Labor and the Equal Employment Opportunity in Apprenticeship and Training Act (29 CFR §§ 29.29 and 29.30), and in conformance with the Core Curriculum Content Standards.

“Approved private schools for the disabled” means the incorporated entities approved by the Department of Education according to N.J.A.C. 6A:14-7.2 or 7.3 to provide special education and related services to students with disabilities who have been placed by the district board of education or charter school responsible for providing their education.

"Assessment" means a State-developed or State-approved standardized instrument or process that measures student performance levels on the Core Curriculum Content Standards.

“Career awareness and exploration” means instruction and programs which assist students to clarify career goals, explore career possibilities, develop employability skills, and make the transition from school to work and/or postsecondary education.

“Charter school” means a public school operated under a charter granted by the Commissioner and independently of a district board of education, with a board of trustees as

the public agents authorized by the State Board of Education to supervise and control the charter school.

“Chief school administrator” means the superintendent of schools or, if there is no superintendent in the district, the administrative principal who works directly with the board of education.

“Commissioner” means the Commissioner, New Jersey State Department of Education, or his or her designee.

"Core Curriculum Content Standards" means statements adopted by the State Board of Education May 1, 1996, and as thereafter revised by the State Board, which describe the knowledge and skills all New Jersey students are expected to acquire by [the]benchmark grades[of four, eight, and 11-12]. These standards, published by the Department as document PTM 1400.06, are established for the provision of a thorough and efficient education pursuant to N.J.S.A. 18A:7F-4 and as a basis for the evaluation of school districts in accordance with N.J.A.C. 6A:30-1.4.

["Core Curriculum Content Standards for Students with Severe Disabilities" means an adaptation of the Core Curriculum Content Standards with adapted cumulative progress indicators which describe the knowledge and skills New Jersey students with severe disabilities are expected to be working toward.]

“Credit” means the award for the equivalent of a class period of instruction which meets for a minimum of 40 minutes, one time per week, during the school year.

“Cross-Content Workplace Readiness Standards” means statements adopted as an integral part of the Core Curriculum Content Standards, in accordance with N.J.A.C. 6:8-2.1(a)3 and

4, by the State Board of Education, and published by the Department in document PTM 1400.06, which are infused across all academic content areas and address the knowledge and skills needed to prepare all students to maximize their ability to be self-sufficient and contributing members of society.

“Cumulative progress indicators” means the statements which further delineate the Core Curriculum Content Standards.

“Curriculum frameworks” means documents published by the Department of Education that include and elaborate on the Core Curriculum Content Standards for kindergarten through grade 12 education and that may assist in the development of local curricula.

“Cut scores” means scores on the assessment scales that demarcate the various performance levels (that is, partially proficient, proficient, and advanced proficient).

“District boards of education” means, for purposes of this chapter, all providers of publicly funded elementary, secondary, and adult high school education programs, including county vocational schools, educational services commissions, jointure commissions, charter schools, regional day schools, adult high schools, county special services school districts, the Marie H. Katzenbach School for the Deaf, the Department of Human Services, the Department of Corrections, the Juvenile Justice Commission, State facilities, organizations, and approved private schools for the disabled.

“ESPA” means the Elementary School Proficiency Assessment, which is used to determine cumulative achievement of the Core Curriculum Content Standards through fourth grade.

“Evaluation,” formerly called “Monitoring,” means the process by which the Commissioner of Education or his or her designee evaluates the status of each school district or charter school.

“504 plan” means a written educational plan prepared by the 504 team for a 504 student.

“504 student” means a person, defined under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and 34 CFR § 104.3(a), (c) and (d), who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.

“504 team” means a group of persons which makes program and placement decisions according to Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and 34 CFR § 104.35(c).

“GED” means tests of General Educational Development taken in order to qualify for a State-issued high school diploma.

“GEPA” means the Grade Eight Proficiency Assessment, which is used to determine cumulative achievement of the Core Curriculum Content Standards through eighth grade.

“Gifted and talented students” means those exceptionally able students who possess or demonstrate high levels of ability, in one or more content areas, when compared to their chronological peers in the local district and who require modifications of their educational program if they are to achieve in accordance with their capabilities.

“HSPA” means the High School Proficiency Assessment, which is used to determine student achievement of the knowledge and skills specified by the Core Curriculum Content Standards.

“HSPT” means the High School Proficiency Test, which is used to determine student achievement of knowledge and skills in reading, writing, and mathematics. This test is to be replaced by the HSPA.

“IEP” means Individualized Education Program, which is a written plan for students with disabilities developed at a meeting according to N.J.A.C. 6A:14-2.3(i) that sets forth present levels of performance, measurable annual goals, and short-term objectives or benchmarks, and describes an integrated, sequential program of individually designed instructional activities and related services necessary to achieve the stated goals and objectives.

“IEP Team” means the participants who are required to attend the meeting to develop the Individualized Education Program as specified in N.J.A.C. 6A:14-2.3(i)2.

“Instructional adaptation” means an adjustment or modification to instruction enabling students with disabilities, students with limited English proficiency, or students who are gifted and talented to participate in, benefit from, and/or demonstrate knowledge and application of the Core Curriculum Content Standards.

“LEP” means limited English proficient.

“Magnet program” means a program designed to attract students from throughout a district by offering a specialized curriculum.

“National Skill Standards Board” means the group established by the National Skill Standards Act of 1994, 20 USC §§. 593 et seq., for the purpose of developing a national system of skill standards, assessment, and certification of skill attainment.

“Native language” means the language or mode of communication first learned by the student.

“Partially proficient” means a score achieved by a student below the cut score which demarks a solid understanding of the content measured by an individual section of any State assessment.

“Performance assessment” means demonstrations of what students know and can do, including such things as open-ended or constructed response questions, essays, portfolios of student work, projects, and reports of laboratory or work-based experiences.

“Performance level” means one of several categories describing student proficiency with regard to the achievement of the State's Core Curriculum Content Standards defined by cumulative progress indicators.

“Proficient” means a score achieved by a student at or above the cut score which demarks a solid understanding of the content measured by an individual section of any State assessment.

“Rehabilitation Act” means the Federal Rehabilitation Act of 1973, 29 U.S.C. §§ 701 et seq., as amended in 1992.

“SRA” means Special Review Assessment, which is an alternative assessment that measures achievement of the Core Curriculum Content Standards.

“SETC” means the State Employment and Training Commission established under P.L. 1989, c.295 to develop and assist in the implementation of a State employment and training policy.

“State Board” means the New Jersey State Board of Education.

“State-endorsed diploma” means a document awarded to an exiting student indicating successful completion of high school graduation requirements.

“Structured learning experience” means supervised student co-curricular or extra-curricular activities, school-based enterprises, volunteer or paid employment, apprenticeship programs, or community service within disciplines linked to the Core Curriculum Content Standards.

“Transcript” means a document for all students exiting the public education system that describes a student’s progress toward achievement of the Core Curriculum Content Standards and other relevant experiences and achievements.

“WIB” means a regional/county Workforce Investment Board established under [Governor Christine Todd Whitman’s] Executive Order No. 36 (1995) to plan and coordinate all the workforce development programs within its area.

SUBCHAPTER 2. THE CORE CURRICULUM CONTENT STANDARDS

6A:8-2.1 Authority for educational goals and standards

- (a) The State Board of Education is responsible for establishing State educational goals and standards according to P.L. 1990, c.52, P.L. 1991, c.3 and P.L. 1991, c.62.
 - 1. In May 1996, the State Board adopted by resolution the Core Curriculum Content Standards and associated cumulative progress indicators, which establish the basis for local curriculum and instruction, the Statewide assessment system, and evaluation of local district boards of education.
 - 2. In June 2000, the State Board adopted by resolution the Core Curriculum Content Standards for Students with Severe Disabilities, based on the Core Curriculum Content Standards and including adapted cumulative progress indicators focusing on the educational needs of students with severe disabilities.
 - 3. On April 17, 2000, the Commissioner adopted the *Early Childhood Education Program Expectations: Standards of Quality*, that provides the foundation for all districts to create developmentally appropriate learning environments to support and prepare young children to meet the Core Curriculum Content Standards.
 - 4. The State Board on or before May 2001 will initiate a review and readoption process for the Core Curriculum Content Standards, including any Core Curriculum Content Standards for Students with Severe Disabilities and the *Early Childhood Education Program Expectations: Standards of Quality*. This process will be repeated every five years thereafter, based on recommendations by the Commissioner according to the following procedure:

- i. The Commissioner shall convene advisory panels of public school educators, higher education representatives, business representatives, and other citizens, to review and, if necessary, to recommend modifications to the Core Curriculum Content Standards and the associated cumulative progress indicators within a scheduled period of time established by the Commissioner.
- ii. The Commissioner shall present to the State Board for consideration at a public meeting any recommended revisions to the Core Curriculum Content Standards and the associated cumulative progress indicators.
- iii. Advanced notice(s) of the State Board meeting at which the recommended Core Curriculum Content Standards will be considered shall be published in the New Jersey Register.
- iv. The State Board will conduct public hearings on the Commissioner's recommendations at dates, times, and locations announced in the New Jersey Register.
- v. Upon State Board adoption, the Commissioner shall publish and distribute to district boards of education and the general public the revised Core Curriculum Content Standards.

6A:8-2.2 Authority for the State Plan for Vocational Education

- (a) The State Board shall serve as required by P.L. 105-332 and designated by N.J.S.A. 18A:59-5 as the sole agency responsible for the administration of the State Plan for Vocational Education and the legally constituted State Board for Vocational Education.

- (b) The State Board will adopt a State Plan for Vocational Education pursuant to P.L. 105-332.
1. The State Board will be guided by the Core Curriculum Content Standards and, in particular, the Cross-Content Workplace Readiness standards in developing the State Plan for Vocational Education required under P.L. 105-332.
 2. District boards of education wishing to participate in grant programs, pursuant to (b)4 below and P.L. 105-332, shall apply for funds to the New Jersey Department of Education on forms provided by the Department.
 3. The State Board, in concordance with P.L. 105-332, will include in the State Plan for Vocational Education authorization for the Commissioner to withhold from district boards of education State and Federal funds for activities in any component programs included in N.J.S.A. 18A:54 when the following conditions exist:
 - i. The program is unapproved;
 - ii. The activities are being implemented in a manner inconsistent with the State Plan for Vocational Education;
 - iii. Students participating in external paid structured learning experiences are exploited, illegally employed, or employed under conditions which do not provide for their health and safety; or
 - iv. Teachers are not appropriately certified according to N.J.A.C. 6:11.
 4. The State Board of Education assures that any district board of education and other eligible institution or agency conducting vocational and technical education programs dissatisfied with final action on any applications for funds shall be given reasonable

notice and may appeal the decision as set forth in N.J.A.C. 6:24, Controversies and Disputes.

5. The State Board will include in the State Plan for Vocational Education, in concordance with P.L. 105-332, authorization for the Commissioner to establish a program-approval system for aligning occupational programs with educational delivery systems from grade nine through grade 12 at the local, county, regional, and State levels. Program approval is required for occupational/technical programs offered by districts with approved vocational schools, comprehensive high schools, county vocational schools, and other agencies offering secondary or non-collegiate postsecondary programs. The program-approval system shall include the following:
 - i. District boards of education shall identify the need for occupational programs of instruction through identification of the National Skill Standards Board's latest labor-market demand data, the results of employer surveys, and the use of an advisory committee to plan for and operate the program.
 - ii. District boards of education seeking to establish any new occupational programs shall request recommendations from the appropriate Workforce Investment Board (WIB) to minimize duplication of programs and to foster a unified delivery system.
 - iii. District boards of education, upon verification of the local need to offer an occupational program and recommendation of the WIB, shall submit a completed Occupational Education Program Approval Request to the Department of Education. The Program Approval Request will include the

following: program title; occupational objective of the program; documentation of the need for the program; program advisory committee; admission requirements; program structure; instructional staff plans; enrollment projections; curriculum outline; participation in vocational student organizations; facilities and equipment required; program costs; career guidance and counseling provisions; linkage programs involved; participation of special populations; evaluation; and impact on institutional capacity.

- iv. The Commissioner shall approve or disapprove the district request to offer an occupational program. Approval or disapproval will be based on the completeness of the application and the inclusion of data which support the establishment of the program.
- v. The Commissioner, in approving programs with a regional or State designation, shall establish the criteria for admitting students from outside the district and/or county. The admission requirements will include at least minimum academic and occupational competencies, based on the Core Curriculum Content Standards, Cross-Content Workplace Readiness Standards, and an employer-verified competency list.
- vi. District boards of education dissatisfied with the decision on the request for an occupational program approval may appeal the decision as set forth in N.J.A.C. 6A:3, Controversies and Disputes.

- (a) The Department of Education is the recognized State agency responsible for the administration of the related classroom instruction of registered apprentice programs as required by 29 CFR §§ 29.29 and 29.30.

6A:8-2.4 Authority for requirement to establish early childhood education programs

- (a) Pursuant to N.J.S.A. 18A:7F-16, district boards of education, except Abbott districts pursuant to N.J.A.C. 6A:24-3.1-3.3, with high concentrations of low-income students shall establish preschool and full-day kindergarten for all four- and five-year-olds by the 2001-2002 school year and shall maintain them thereafter.
 - 1. District boards of education with a concentration of low-income students equal to or greater than 20 percent and less than 40 percent of the total enrollment shall provide full-day kindergarten for all five-year-olds and preschool classes for all four-year-olds and other early childhood education programs and services.
 - 2. District boards of education with a concentration of low-income pupils equal to or greater than 40 percent, may expand early childhood education programs and services to three-year-olds, at such time that full-day kindergarten is offered to all five-year-olds and preschool classes are offered to all four-year-olds.

SUBCHAPTER 3. IMPLEMENTATION OF THE CORE CURRICULUM CONTENT STANDARDS

6A:8-3.1 Curriculum and instruction

- (a) District boards of education shall ensure that curriculum and instruction are designed and delivered in such a way that all students are able to demonstrate the knowledge and skills specified by the Core Curriculum Content Standards and shall ensure that appropriate instructional adaptations are designed and delivered for students with disabilities, for students with limited English proficiency, and for students who are gifted and talented.
1. The Department of Education shall provide districts with curriculum frameworks that suggest a variety of activities and strategies that may assist in the development of local curricula aligned with the Core Curriculum Content Standards.
 2. District boards of education shall encourage the active involvement of representatives from the community, business, industry, labor, and higher education in the development of educational programs aligned with the Core Curriculum Content Standards.
 3. District boards of education shall be responsible for assessing and publicly reporting on the progress of all students in developing the knowledge and skills specified by the Core Curriculum Content Standards, including content areas not currently included in the Statewide assessment program.
 - [4. District boards of education shall be responsible for identifying and implementing instructional adaptations for students with disabilities, as specified in their IEPs or 504 plans.]
 - [5.]4. District boards of education shall be responsible for developing educational programs for all students with [severe]disabilities aligned with the Core Curriculum Content Standards[and/or the Core Curriculum Content Standards for Students with Severe

Disabilities] with appropriate accommodations, instructional adaptations, and/or modifications as determined by the IEP or 504 team.

[6.]5. District boards of education shall be responsible for identifying gifted and talented students and shall provide them with appropriate instructional adaptations and services.

i. District boards of education shall make provisions for an ongoing identification process and appropriate educational challenges for gifted and talented students initiated in kindergarten and reviewed annually through grade 12.

ii. District boards of education shall develop appropriate curricular and instructional modifications used for gifted and talented students indicating content, process, products, and learning environment.

[7.]6. District boards of education shall actively assist and support teachers' professional development and/or inservice, including their efforts to meet the mandatory continuing education requirement for teachers and educational services staff, as specified in N.J.A.C. 6:11-13.1.

(b) District boards of education shall be responsible for the delivery of educational programs at the elementary and secondary levels using a coherent sequence of activities to prepare all students for employment or postsecondary study upon their graduation. Examples of such programs include, but are not limited to, academic programs, occupational/technical programs, and/or magnet programs.

- (c) District boards of education shall be responsible for the review and continuous improvement of curriculum and instruction based upon changes in knowledge, technology, assessment results, and any modifications to the Core Curriculum Content Standards, according to N.J.A.C. 6A:8-2.
- (d) District boards of education shall establish procedures whereby any student whose parent or guardian presents to the school principal a signed statement that any or part of the instruction in health, family life education, or sex education is in conflict with his or her conscience or sincerely held moral or religious beliefs shall be excused from that part of the course where such instruction is being given and, pursuant to N.J.S.A. 18A:35-4.7, no penalties shall result therefrom.

6A:8-3.2 Career awareness and exploration

- (a) District boards of education, in fulfillment of the Core Curriculum Content Standards, shall develop and implement a comprehensive guidance and counseling system to facilitate career awareness and exploration for all students.
 - 1. The Department of Education shall provide districts with a cross-content workplace readiness curriculum framework that suggests a variety of activities and strategies that may assist in the development of local curricula aligned with the Core Curriculum Content Standards.
 - 2. District boards of education shall implement a developmental career guidance and career awareness program, linked to the Core Curriculum Content Standards, which:
 - i. Is infused throughout the K-12 curriculum as appropriate for all students;

- ii. Is supported by professional development programs; and
 - iii. Takes into consideration the Career Development Standards of the National Standards for School Counseling Programs of the American School Counselor Association in the following three areas of student development:
 - (1) Academic development;
 - (2) Career development; and
 - (3) Personal/social development.
3. District boards of education shall provide developmental career guidance and career awareness, linked to the Core Curriculum Content Standards, designed to:
- i. Assist students in making and implementing informed educational and occupational choices, including opportunities to change career focus;
 - ii. Develop a student's competencies in self-management, educational and occupational exploration, and career planning;
 - iii. Make students aware of the relationship among personal qualities, education, training, and the world of work;
 - iv. Encourage students to create and maintain portfolios consisting of student accomplishments related to the Cross-Content Workplace Readiness Standards; and
 - v. Acquaint students with the relationship between achieving academic standards and the attainment of career goals.

4. District boards of education shall, for students with disabilities age 14 through 21 (or younger, if determined appropriate by the IEP team), incorporate transitional services, including career guidance and counseling, into each student's IEP.
- (b) District boards of education, in fulfillment of the Core Curriculum Content Standards, shall develop and implement curriculum and instructional methods which:
1. Provide all students with an understanding of the career applications of knowledge and skills learned in the classroom; and
 2. Provide all students with opportunities to apply knowledge and skills learned in the classroom to real or simulated career challenges.
- (c) District boards of education, in fulfillment of the Core Curriculum Content Standards, shall develop and implement for all students a system of career exploration which:
1. Offers high school students the opportunity to more fully explore career interests within, but not limited to, one or more of the following clustered disciplines linked to the Core Curriculum Content Standards and as measured by the Statewide assessment system according to N.J.A.C. 6A:8-4:
 - i. Arts and Humanities;
 - ii. Business and Information Systems;
 - iii. Mathematics, Science, and Technology; and
 - iv. Health and Human Services;
 2. Allows districts to select the appropriate format for offering career-exploration activities based on district resources, community needs, and student interest;

3. Allows districts to select the delivery format that may include:
 - i. An integrated curriculum, based on the Core Curriculum Content Standards, that provides students the opportunity to acquire information about their career interests and/or take advanced courses linked to their career interests;
or
 - ii. Specialized programs that reflect the needs of students and the community;
and
 4. Instills the concept of the need for continuous learning throughout one's life.
- (d) District boards of education shall offer all high school students opportunities to more actively experience career exploration by participating in structured learning experiences linked to Core Curriculum Content Standards.
1. District boards of education shall design structured learning experiences as rigorous activities, integrated into the curriculum, and linked to the Core Curriculum Content Standards. As used in this paragraph, "rigorous activities" means that the student activities have identifiable educational goals that are of a high level, are an important part of the curriculum, and incorporate links to the cross-content workplace readiness and academic standards. They should give students an opportunity to both demonstrate and apply a high level of academic attainment.
 2. Interested students may voluntarily select structured learning experiences that are:
 - i. Co-curricular or extra-curricular activities; or

- ii. External experiences such as volunteer activities, community service, paid or unpaid employment opportunities, or participation in an apprenticeship program.
- 3. District boards of education shall ensure that students participating in school-sponsored, paid external structured learning experiences:
 - i. Are supervised by school personnel in accordance with the requirements for cooperative education (N.J.A.C. 6:43);
 - ii. Are conducted at sites registered with the Department of Education via the Worksite Registration System; and
 - iii. Conform to Federal and State law.
- 4. The Commissioner shall establish a process to recognize the contributions of students who engage in a structured learning experience that involves volunteer and/or community service activities.

6A:8-3.3 Enrollment in college courses

- (a) District boards of education, pursuant to N.J.S.A. 18A:61C-1, shall make reasonable efforts to develop articulation agreements with New Jersey colleges and universities to facilitate the delivery of college credit courses to qualified high school students. These credits shall be accepted at all public New Jersey higher education institutions.
 - 1. The Commissioner and the Executive Director of the Commission on Higher Education shall prepare and circulate a model articulation agreement.

2. All public New Jersey higher education institutions shall accept the credits earned for college courses taken under articulation agreements between district boards of education and New Jersey colleges and universities.
- (b) District boards of education shall determine the eligibility of students to participate in college courses.
 - (c) District boards of education and partner colleges shall ensure that college courses offered to high school students are:
 1. The same college courses offered to regularly admitted college students; and
 2. College courses accepted toward both college degree and high school graduation requirements.
 - (d) District boards of education and partner colleges shall ensure that college courses for high school students are taught by college faculty with academic rank. Adjunct faculty and members of the district staff who have a minimum of a master's degree may also be included.

6A:8-3.4 Requirements for early childhood education programs

- (a) A district board of education, except Abbott districts pursuant to N.J.A.C. 6A:24-3.4, required under N.J.A.C. 6A:8-2.4 to establish early childhood education programs shall submit a program and fiscal operational plan for Early Childhood Program Aid, on a form provided by the Commissioner, to the county superintendent for review and approval, and shall be subject to monitoring. The program and fiscal operational plan shall be revised annually, prior to each fiscal year to reflect changes in program and fiscal components.

1. The fiscal section of the plan is pursuant to N.J.A.C. 6:19-3.2(a)-(e)1.
- (b) The county superintendent shall review each line item in the district's program and fiscal operational plan to determine whether it is appropriate.
- (c) A district board of education shall include in the program section of the plan the following components:
1. District wide planning;
 2. Community collaboration and planning;
 3. Parent involvement;
 4. Curriculum development and implementation; and
 5. Professional development and training.
- (d) A district board of education shall demonstrate that programs are based on a district-wide assessment that includes a needs and resource assessment for each school that is a subset of the district's comprehensive strategic plan pursuant to N.J.S.A. 18A:7F- 16.
- (e) A district board of education shall ensure that the early childhood education program:
1. Is developmentally appropriate to the age and skill level of the young child;
 2. Is based on the Early Childhood Education Program Expectations: Standards of Quality;
 3. Coordinates with all other relevant district programs, for example, special education, bilingual education, and Title I; and
 4. Includes an annual program evaluation.

- (f) A district board of education shall base early childhood education programs and curricula on student needs, strengths and interests that focus on all aspects of development: cognitive, social, emotional and physical. Curriculum and assessment strategies and/or resources shall be developmentally appropriate and include performance-based measures. The curriculum shall be based on the Early Childhood Education Program Expectations: Standards of Quality, which is aligned with the Core Curriculum Content Standards.
- (g) A district board of education shall ensure that instructional methods and/or strategies are congruent with the cognitive, social, emotional and physical skills of the young child. Instruction shall balance teacher-directed and child-initiated experiences.
- (h) A district board of education shall provide appropriate professional development and training to prepare instructors for the early childhood education program.
- (i) A district board of education may contract with Department of Human Services (DHS) licensed child care programs where practical so as not to duplicate the provision of early childhood education programs available in the community, provided that the DHS licensed child care program(s) with which the district board of education contracts complies with the district's program requirements, including the employment of appropriately licensed teaching staff, pursuant to N.J.A.C. 6:11-3.1.
- (j) A district board of education shall include parent education activities in the early childhood education program with specific strategies identified that assist parents in remaining actively involved in their child's education throughout their school years.

- (k) A district board of education shall demonstrate that community health and social service agencies have been included in the planning, operations and, if appropriate, the fiscal support of the early childhood education program.

SUBCHAPTER 4. IMPLEMENTATION OF THE STATEWIDE ASSESSMENT SYSTEM

6A:8-4.1 Statewide assessment system

- (a) The Commissioner, in accordance with N.J.S.A. 18A:7A-10, may implement assessment of student achievement in the State's public schools, in any grades and by such assessments as he or she deems appropriate, and shall report to the State Board the results of such assessments.
- (b) The Commissioner shall implement a system and related schedule of Statewide assessments to evaluate student achievement of the Core Curriculum Content Standards.
 - 1. The Commissioner, with the approval of the State Board, shall define the scope and level of student performance on Statewide assessments that demonstrate solid understanding of the knowledge and skills delineated by the Core Curriculum Content Standards at grade levels three through eight and 11 through 12.
 - 2. The State Board, after consultation with the Commissioner, shall, by resolution, establish uniform statewide criteria defining adequate district progress toward meeting the Core Curriculum Content Standards.
- (c) District boards of education shall, according to a schedule prescribed by the Commissioner, administer the applicable Statewide assessments, including the five major components: the

elementary assessment component for grades three through seven, the Grade Eight Proficiency Assessment (GEPA), the High School Proficiency Assessment (HSPA), the Special Review Assessment (SRA), and the Alternate Proficiency Assessment (APA).

1. The Department shall implement the elementary component of the Statewide assessment of the Core Curriculum Content Standards according to the following schedule:
 - i. 2002-2003 – Administration of mathematics and language arts literacy in grades three and four;
 - ii. 2003-2004 – [A]Continued administration of mathematics and language arts literacy in grades three[,] and four[, five, and six, and science in grade four]; and
 - iii. 2004-2005 – Administration of mathematics and language arts literacy in grades three, four, five, six, and seven, and[continued] administration of science in grade four.
2. The Department shall implement the GEPA component of the Statewide assessment of the Core Curriculum Content Standards according to the following schedule:
 - i. Continued administration of mathematics, language arts literacy, and science in grade eight.
3. The Department shall implement the HSPA component of the Statewide assessment of the Core Curriculum Content Standards according to the following schedule:

- i. 2001-2002 – Administration of mathematics and language arts literacy in grade 11;
 - ii. 2002-2003 and 2003-2004 – Continued administration of mathematics and language arts literacy in grade 11; and
 - iii. 2004-2005 – Administration of science and continued administration of mathematics and language arts literacy in grade 11.
- (d) All students at grade levels three through eight and 11-12, pursuant to (b) and (c) above, and at any other grades designated by the Commissioner pursuant to (a) above, shall take all appropriate Statewide assessments as scheduled.
 - 1. District boards of education shall provide appropriate accommodations or modifications to the Statewide assessment system as specified by the Department for limited English proficient (LEP) students and students with disabilities as defined in N.J.A.C. 6A:14-1.3 or eligible under Section 504 of the Rehabilitation Act as determined by the Individualized Education Program (IEP) team or the 504 team.
 - i. District boards of education may administer the SRA to LEP students who require an alternate format to demonstrate knowledge and skills measured by the HSPA.
 - ii. District boards of education may administer the SRA to LEP students in their native language and/or English, in conformance with N.J.A.C. 6A:8-5.1(f).
 - 2. District boards of education shall ensure that students with disabilities as defined in N.J.A.C. 6A:14-1.3 participate in Statewide assessments in accordance with N.J.A.C. 6A:14-4.11.

3. District boards of education shall, at specific times prescribed by the Commissioner starting with the 2001-2002 academic year, administer the Alternate Proficiency Assessment (APA) to students with severe disabilities who cannot participate in other assessments due to the severity of their disabilities.
 - i. The Department of Education shall implement the APA according to the schedules in (c) 1, 2 and 3 above.
 - ii. The APA will measure the progress of students with severe disabilities toward achieving the Core Curriculum Content Standards[and the Core Curriculum Content Standards for Students with Severe Disabilities].
 4. District boards of education shall administer the SRA, following the 11th grade, to all students, or corresponding adult high school students, who have not demonstrated proficiency on one or more section of the HSPA. District boards of education, in implementing the SRA process, shall use only those assessment instruments and procedures approved by the Commissioner of Education.
- (e) District boards of education shall be responsible for ensuring the security of all components of the Statewide assessment system.

6A:8-4.2 Documentation of student achievement

- (a) The Department of Education, after each test administration, shall provide to chief school administrators the following:
 1. Rosters of student performance in each content area;

2. Individual student reports; and
 3. District and school summary data, including school and district means, numbers tested, and percent achieving at each performance level, with district summary data aggregated and disaggregated, and school summary data disaggregated, for students with disabilities as defined by N.J.A.C. 6A:14-1.3 and for those who have limited English proficiency.
- (b) District boards of education shall transmit within 10 days any official records, including transcripts, of those students who transfer to other school districts or institutions.
- (c) District boards of education shall maintain an accurate record of each student's performance on Statewide assessments for review as required by the county superintendent of schools for school and district evaluation in accordance with N.J.A.C. 6A:30-1.4(a)2.
- (d) Starting with students entering ninth grade in the 2000-2001 academic year or planning to graduate from an adult high school in the 2003-2004 academic year, district boards of education shall maintain, for every student, a ninth-grade through graduation transcript which contains the following, in accordance with N.J.A.C. 6:3-6, as available:
1. Results of all applicable State assessments;
 2. Results of any English language proficiency assessments according to N.J.A.C. 6A:8-5.1(f)3i;
 3. Other evidence of student achievement;
 4. Evidence of instructional experience and performance in the Core Curriculum Content Standards;

5. Evidence of employability skills and work habits such as punctuality, attendance, and teamwork;
 6. Structured learning experiences according to N.J.A.C. 6A:8-3.2(c);
 7. The results of any employer/industry certification tests linked to one or more industry-based standards; and
 8. Any other information deemed appropriate by the district board of education.
- (e) The Commissioner, in consultation with the State Employment and Training Commission, shall develop and disseminate to district boards of education a format for electronic official school transcripts for optional use by students.

6A:8-4.3 Accountability

- (a) Chief school administrators shall report the results of annual assessments to district boards of education within 30 days of receipt of information from the Department of Education.
- (b) District boards of education shall provide parents, students, and citizens with the results of annual assessments according to N.J.A.C. 6A:8-4.2.
- (c) District boards of education shall provide appropriate instruction to improve skills and knowledge for students performing below the established levels of student proficiency in any content area either on the Statewide or local assessments.
- (d) All students shall be expected to demonstrate the knowledge and skills of the Core Curriculum Content Standards as measured by the Statewide assessment system.

6A:8-4.4 Annual review and evaluation of school districts

- (a) The Department of Education shall review the performance of schools and districts,[initially] using [an]a percent of students performing at the proficient level as one measure of adequate yearly progress[absolute criterion] and[subsequently] incorporating a progress criterion indicative of systemic reform as defined in [(c)2 below](a)1iv, (a)2iv, and (a)3iv below. Beginning July 1, 2003, the review shall include the performance of all students, including general education students, students with disabilities as defined by N.J.A.C. 6A:14-1.3, and students who have limited English proficiency. This review shall take place at each grade level in which Statewide assessments are administered, using the following criteria:

- [1. Beginning July 1, 2000, 75 percent of fourth- or fifth-grade students enrolled in a school or district who participate in the Statewide assessment program, except those with disabilities as defined by N.J.A.C. 6A:14-1.3 and those who have limited English proficiency, shall have scored at or above the proficient level on the ESPA, in each of the content areas assessed.
2. Beginning July 1, 2000, 75 percent of eighth-grade students enrolled in a school or district who participate in the Statewide assessment program, except those with disabilities as defined by N.J.A.C. 6A:14-1.3 and those who have limited English proficiency, shall have scored at or above the proficient level on the GEPA, in each of the content areas assessed.
3. Beginning July 1, 2003, 75 percent of all third- or fourth-grade students enrolled in a school, except those students who have enrolled in the school after September 15 of

the calendar year prior to the test administration, shall have scored at or above the proficient level on the elementary component of the Statewide assessment or the APA, in each of the content areas assessed.

4. Beginning July 1, 2003, 75 percent of all third- or fourth-grade students enrolled in a district, except those students who have enrolled in the district after September 15 of the calendar year prior to the test administration, shall have scored at or above the proficient level on the elementary component of the Statewide assessment or the APA, in each of the content areas assessed.]
1. Beginning July 1, 2003, a specified increasing percent of the total number of students tested and of each statistically viable subgroup of all third-, fourth-, and fifth-grade students tested in a school or district, except those students who have enrolled after July 1 of the calendar year prior to the test administration, shall have scored at the proficient level, or higher, on the elementary component of the Statewide assessment and/or the APA, in each of the content areas assessed.
 - i. The specified increasing percent for the grade three assessment, the grade four assessment, the grade five assessment, and/or the corresponding APA shall be determined according to the following schedule:
 - (1) For the grade four assessment administered during the 2002-2003 academic year, language arts literacy 68 percent and mathematics 53 percent.

- (2) For the grade three assessment and the grade four assessment administered during the 2003-2004 academic year, language arts literacy 68 percent and mathematics 53 percent.
 - (3) For the grade three assessment and the grade four assessment administered during the 2004-2005 academic year, language arts literacy 75 percent and mathematics 62 percent.
 - (4) For the grade three assessment, the grade four assessment, and the grade five assessment administered during the 2005-2006 and 2006-2007 academic years, language arts literacy 75 percent and mathematics 62 percent.
 - (5) For the grade three assessment, the grade four assessment, and the grade five assessment administered during the 2007-2008, 2008-2009, and 2009-2010 academic years, language arts literacy 82 percent and mathematics 73 percent.
 - (6) For the grade three assessment, the grade four assessment, and the grade five assessment administered during the 2010-2011, 2011-2012, and 2012-2013 academic years, language arts literacy 91 percent and mathematics 85 percent.
- ii. Statistically viable subgroups include 20 or more economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency.

- iii. For the total third-, fourth-, and fifth-grade population of students tested, and for statistically viable subgroups of third-, fourth-, and fifth-grade students, performance within five percentage points of the specified increasing percent, or higher, shall be considered as meeting the goal.
 - iv. For statistically viable subgroups of third-, fourth-, and fifth-grade students, but not for the total student population, as an alternative to meeting the absolute criteria in (a)1i above, adequate yearly progress may be demonstrated by meeting the following safe harbor criteria:
 - (1) The percentage of students in the group scoring below the proficient level on the appropriate Statewide assessment decreased by at least 10 percent from the preceding year; and
 - (2) The group made progress on the other academic indicators utilized for the evaluation of the performance of school districts in N.J.A.C 6A:30-1.4(a)3 and (a)4.
- [5. Beginning July 1, 2003, 75 percent of all eighth-grade students enrolled in a school, except those students who have enrolled in the school after September 15 of the calendar year prior to the test administration, shall have scored at or above the proficient level on the GEPA or the APA, in each of the content areas assessed.
6. Beginning July 1, 2003, 75 percent of all eighth-grade students enrolled in a district, except those students who have enrolled in the district after September 15 of the calendar year prior to the test administration, shall have scored at or above the proficient level on the GEPA or the APA, in each of the content areas assessed.]

2. Beginning July 1, 2003, a specified increasing percent of the total number of students tested and of each statistically viable subgroup of all sixth-, seventh-, and eighth-grade students tested in a school or district, except those students who have enrolled after July 1 of the calendar year prior to the test administration, shall have scored at the proficient level, or higher, on the elementary component of the Statewide assessment or the GEPA and/or the APA, in each of the content areas assessed.
 - i. The specified increasing percent for the grade six assessment, the grade seven assessment, the GEPA, and/or the corresponding APA shall be determined according to the following schedule:
 - (1) For the GEPA administered during the 2002-2003 and 2003-2004 academic years, language arts literacy 58 percent and mathematics 39 percent.
 - (2) For the GEPA administered during the 2004-2005 academic year, language arts literacy 66 percent and mathematics 49 percent.
 - (3) For the grade six assessment, the grade seven assessment, and the GEPA administered during the 2005-2006 and 2006-2007 academic years, language arts literacy 66 percent and mathematics 49 percent.
 - (4) For the grade six assessment, the grade seven assessment, and the GEPA administered during the 2007-2008, 2008-2009, and 2009-2010 academic years, language arts literacy 76 percent and mathematics 62 percent.

- (5) For the grade six assessment, the grade seven assessment, and the GEPA administered during the 2010-2011, 2009-2010, and 2012-2013 academic years, language arts literacy 87 percent and mathematics 79 percent.
- ii. Statistically viable subgroups include 20 or more economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency.
- iii. For the total sixth-, seventh-, and eighth-grade population of students tested, and for statistically viable subgroups of sixth-, seventh-, and eighth-grade students, performance within five percentage points of the specified increasing percent, or higher, shall be considered as meeting the goal.
- iv. For statistically viable subgroups of sixth-, seventh-, and eighth-grade students, but not for the total student population, as an alternative to meeting the absolute criteria in (a)2i above, adequate yearly progress may be demonstrated by meeting the following safe harbor criteria:
- (1) The percentage of students in the group scoring below the proficient level on the appropriate Statewide assessment decreased by at least 10 percent from the preceding year; and
- (2) The group made progress on the other academic indicators utilized for the evaluation of the performance of school districts in N.J.A.C 6A:30-1.4(a)3 and (a)4.

- [7. Beginning July 1, 2000, 85 percent of 11th grade students enrolled in a school or district in October of their 11th grade year, except those with disabilities as defined by N.J.A.C. 6A:14-1.3 and those who have limited English proficiency, shall have scored at or above the proficient level in mathematics, reading, and writing on the October and/or April administrations of the HSPT in their 11th grade year.
8. Beginning July 1, 2003, 85 percent of all 12th grade students enrolled in a school or district as of September 15 of their 11th grade year shall have scored at or above the proficient level in all content areas assessed on the spring administration of the HSPA in their 11th grade year and/or the fall and spring administrations of the HSPA in their 12th grade year and/or the APA and/or the SRA.]
3. Beginning July 1, 2003, a specified increasing percent of the total number of students tested and of each statistically viable subgroup of 11th grade students tested in a school or district as of July 1 of their 11th grade year shall have scored at the proficient level, or higher, in all content areas assessed on the spring administration of the HSPA in their 11th grade year and/or the APA and/or the SRA.
- i. The specified increasing percent for the HSPA, the corresponding APA, and/or the SRA shall be determined according to the following schedule:
- (1) For the HSPA administered during the 2002-2003 and 2003-2004 academic years, language arts literacy 73 percent and mathematics 55 percent.

- (2) For the HSPA administered during the 2004-2005, 2005-2006, and 2006-2007 academic years, language arts literacy 79 percent and mathematics 64 percent.
 - (3) For the HSPA administered during the 2007-2008, 2008-2009, and 2009-2010 academic years, language arts literacy 85 percent and mathematics 74 percent.
 - (4) For the HSPA administered during the 2010-2011, 2011-2012, and 2012-2013 academic years, language arts literacy 92 percent and mathematics 86 percent.
- ii. Statistically viable subgroups include 20 or more economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency.
- iii. For the total 11th-grade population of students tested, and for statistically viable subgroups of 11th grade students, performance within five percentage points of the specified increasing percent, or higher, shall be considered as meeting the goal.
- iv. For statistically viable subgroups of 11th grade students, but not for the total student population, as an alternative to meeting the absolute criteria in (a)3i above, adequate yearly progress may be demonstrated by meeting the following safe harbor criteria:

- (1) The percentage of students in the group scoring below the proficient level on the appropriate Statewide assessment decreased by at least 10 percent from the preceding year; and
- (2) The group made progress on the other academic indicators utilized for the evaluation of the performance of school districts in N.J.A.C 6A:30-1.4(a)3 and (a)4.

[9]4. Beginning July 1, 2002, district boards of education shall ensure that students with disabilities and students with limited English proficiency participate in the applicable Statewide assessments.

(b) The Department of Education, in accordance with N.J.S.A. 18A:7A-10, shall annually review individual school performance on applicable Statewide assessments relative to achieving the Core Curriculum Content Standards according to the criteria specified in (a)1 through [8]3 above.

1. District boards of education shall ensure that each school which does not achieve State standards as determined by performance on applicable Statewide assessments develops and implements a school-level improvement plan including measurable objectives to address deficiencies identified by the assessments.
2. District boards of education shall ensure that each school which achieves State standards creates measurable school-level objectives that address improvement in any area contained within the Core Curriculum Content Standards.

3. District boards of education shall submit all school-level improvement plans and objectives annually to the county superintendents as part of the quality assurance annual report (QAAR) in accordance with N.J.A.C. 6A:30-1.4(a)1.
 4. Charter schools shall submit all school-level improvement plans and objectives annually to the county superintendents as part of the annual report in accordance with N.J.S.A. 18A:36A-16(b).
- (c) The Department of Education, in accordance with N.J.A.C. 6A:30-2.1, shall evaluate a district board of education every seven years. The evaluation will be based, in part, on a district board of education's performance in achieving the proficiency levels of the Core Curriculum Content Standards as measured at each grade level in which Statewide assessments are administered.
1. A district board of education may be certified if it meets the applicable criteria in (a)1 through [8]3 above, developed pursuant to N.J.A.C. 6A:8-4.1(a) and (b).
 - [2. Beginning July 1, 2001, for the ESPA, and the GEPA, and July 1, 2004 for the HSPA, a district board of education may be certified with conditions if it meets one of the following criteria of systemic reform:
 - i. Achieving an increase of at least five percentage points in any passing rates initially at or above 50 percent of the class enrollment in the ESPA, GEPA, and HSPA, in each of the subject areas assessed, using the baseline data obtained in the previous academic year; or
 - ii. Achieving an increase of at least 10 percentage points in any passing rates initially at or above 25 percent of the class enrollment in the ESPA, GEPA,

and HSPA, in each of the subject areas assessed, using the baseline data obtained in the previous academic year.]

6A:8-4.5 Public reporting

- (a) The Department of Education shall report annually to the State Board and the public on the progress of all students in meeting the Core Curriculum Content Standards as measured by the Statewide assessment system by publishing and distributing the Department's annual New Jersey School Report Card in accordance with N.J.S.A. 18A:7E-2 through 5.
- (b) The Department of Education, after each test administration, shall report to district boards of education on the performance of students with disabilities and LEP students with the same frequency and in the same detail as it reports on the assessments of all other students.
- (c) Beginning July 1, 2002, the Department of Education shall report performance on the APA with the same frequency and in the same detail as it reports on other Statewide assessments, including school and district means and the number and percentage of participating students.
- (d) The Department of Education shall only publicly report summary performance data if doing so would not compromise the confidentiality of individual students.

SUBCHAPTER 5. IMPLEMENTATION OF GRADUATION REQUIREMENTS

6A:8-5.1 Graduation requirements

- (a) District boards of education shall develop, adopt, and implement requirements for a State-endorsed diploma which include the following:

1. Local high school graduation requirements including one of the following two options:

- i. participation in a local program of study of not fewer than 110 credits in courses designed to meet all of the Core Curriculum Content Standards, including, but not limited to, the following credits:

(1) – (6) (No change.)

(7) At least 10 credits in world languages effective with the [2003-2004] 2004-2005 grade nine class; and

(8) (No change.)

- ii. (No change.)

2. – 7. (No change.)

(b) – (g) (No change.)

6A:8-5.2 No change.